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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,936	04/03/2001	Jacques Schmitt	H37-091 DIV	9938

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NOTARO AND MICHALOS  
100 DUTCH HILL ROAD  
SUITE 110  
ORANGEBURG, NY 10962-2100

EXAMINER
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CROWELL, ANNA M

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 07/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/824,936

Applicant(s)

SCHMITT, JACQUES

Examiner

Michelle Crowell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1 and 3-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 5. Claim 2 is withdrawn because it is directed to Species 6-Figure 10.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

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- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities: The headings are missing in the specification.

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities:

On page 4, line 13, the term "farest" is misspelled. The correct spelling is either "farthest" or "furthest".

Appropriate correction is required.

#### ***Claim Objections***

4. Claim 4 is objected to because of the following informalities:

On line 4, the term "farest" is misspelled. The correct spelling is either "farthest" or "furthest".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 11-12, claim 1 recites the limitation, “at least one substrate (15) defining one limit of the internal process space, to be exposed to the processing action of the plasma discharge” which is unclear since it is not understood what applicant means by “substrate (15) defining one limit of the internal process space”.

In lines 15-20, claim 1 recites the limitation, “at least one dielectric layer (11) extending outside the internal process space, as a capacitor electrically in series with the substrate (15) and the plasma, and the dielectric layer (11) having a capacitance per unit surface values which are not uniform along at least one direction of the general surface (15a), for generating a given distribution profile, especially for compensating a process non uniformity in the reactor” which is confusing because it is not understood what applicant means by the following items: “as a capacitor electrically in series with the substrate”, “a capacitance per unit surface values”, and “compensating a process non uniformity in the reactor”.

In lines 5-6, claim 3 recites the limitation, “the reactor has said location dependent capacitance per unit surface values” which is unclear since it is not understood what applicant means by “location dependent capacitance per unit surface values”.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hanada (Japanese Patent Publication 08-186094).

Referring to Drawings 1 and 2 and the abstract, Hanada discloses a capacitively coupled radiofrequency plasma reactor 19 comprising: at least two electrically conductive electrodes 12 and 21 spaced from each other, each electrode having an external surface, an internal process space 11 enclosed between the electrodes, a gas providing means 16 for providing the internal process space with a reactive gas, at least one radiofrequency generator 29 connected to at least one of the electrodes, at a connection location, for generating a plasma discharge in the process space, a means 26 to evacuate the reactive gas from the reactor, at least one substrate 1 defining one limit of the internal process space, to be exposed to the processing action of the plasma discharge, the at least one substrate extends along a general surface and is arranged between the electrodes, at least one dielectric layer 21a extending outside the internal process space, as a capacitor electrically in series with the substrate and the plasma, and the dielectric layer having a

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capacitance per unit surface values which are not uniform along at least one direction of the general surface, for generating a given distribution profile, especially for compensating a process non uniformity in the reactor.

With respect to claim 3, the dielectric layer 21a has a thickness “a” along a direction perpendicular to the general surface of the substrate 1, the thickness being non uniform along the dielectric layer (Fig. 2 and abstract).

With respect to claim 4, the dielectric layer 21a is the thickest in front of the location in the process space 11 which is the farthest away from the connection location where the radiofrequency generator 29 is connected to the at least one electrode and the thickness decreases from the process space location as the distance between the process space location and the connection location on the corresponding electrode decreases (Fig. 1 and abstract).

With respect to claim 5, the dielectric layer 21a has at least one non planar-shaped external surface (Fig. 2 and abstract).

With respect to claim 6, at least one of the electrodes 21 has a non planar-shaped surface facing the substrate 1 (Figs. 1 and 2).

With respect to claim 7, the dielectric layer 21a is locally delimited by a surface of one of the electrodes 21, and the delimitation surface of the one electrode is curved (Fig. 1 and 2).

With respect to claim 8, the dielectric layer comprises a solid dielectric layer (Figs. 1, 2 and abstract).

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***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki, Horiuchi et al., Takubi, Suzuki et al., Tisack, Kim et al., Roth, Mallon, Arai et al., Cain et al, Coquin et al. disclose capacitively coupled plasma reactors including nonplanar electrodes with nonplanar dielectric layers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Crowell whose telephone number is (703) 305-1956. The examiner can normally be reached on M-F (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703) 308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

AMC ame  
June 30, 2003

*Alejandro*  
Luz L. Alejandro  
Primary Examiner  
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